

**LECLAIRRYAN**

A Virginia Professional Corporation  
Karol Corbin Walker, Esq.  
One Riverfront Plaza  
1037 Raymond Boulevard, 16<sup>th</sup> Floor  
Newark, New Jersey 07102  
(973) 491-3600

**STEINBERG & CAVALIERE, LLP**

Ronald Herzog, Esq. (admitted *pro hac vice*)  
50 Main Street  
White Plains, New York 10606  
(914) 761-9445

Attorneys for Cowan Guteski & Co., P.A.,  
Donald Cowan and William Meyler,  
improperly plead as William Myler

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TAURIGA SCIENCES, INC.,  
A Florida Corporation,

Plaintiff,

v.

COWAN, GUNTESKI & CO., P.A.,  
A Foreign Corporation; DONALD  
COWAN, an Individual; and  
WILLIAM MYLER, an Individual,

Defendants.

Civil Action No.  
3:16-cv-06285 (PGS) (DEA)

**CERTIFICATION IN OPPOSITION  
TO PLAINTIFF'S MOTION TO  
ALLOW TRIAL BY JURY**

STATE OF NEW YORK                    )  
  : ss.:  
COUNTY OF WESTCHESTER        )

Ronald S. Herzog hereby certifies as follows:

1. I am a partner of Steinberg & Cavaliere, LLP and  
along with Karol Corbin Walker of LeClairRyan, P.C. represent

the Defendants in this matter. I respectfully submit this Certification in opposition to Plaintiff's March 31, 2017 "Motion To Allow Trial By Jury".

2. Attached hereto as Exhibit "1" is a copy of the page from plaintiff Tauriga Sciences, Inc.'s, Form 10-K for its fiscal year ended March 31, 2016 setting forth the company's current assets and liabilities as of the end of its fiscal year.

3. Attached hereto as Exhibit "2" is a copy of the page from Tauriga's Form 10-Q for the quarterly reporting period ended December 31, 2016 setting forth Tauriga's current assets and liabilities as of December 31, 2016.

4. Attached hereto as Exhibit "3" is a copy of the page from Tauriga's Form 10-K for its fiscal year ended March 31, 2015 which reflects its revenues for its fiscal years ended March 31, 2015 and March 31, 2014 (as restated), together with the page from its Form 10-Q for the period ended December 31, 2016 reflecting the absence of any revenues for the nine month period ended December 31, 2016.

5. Attached hereto as Exhibit "4" is a copy of the page from Tauriga's Form 10-K for its fiscal year end March 31, 2016 reflecting its losses from operating for 2016 and 2015 and its accumulated deficit.

6. Attached hereto as Exhibit "5" is a copy of the going concern limitation contained in Tauriga's Form 10-Q for the reporting period ended December 31, 2016.

7. Attached hereto as Exhibit "6" is a copy of the page from Tauriga's 10-Q for the reporting period ended December 31, 2016 containing its description of Tauriga's claims in this litigation.

8. Attached hereto as Exhibit "7" is a copy of Kraig Weiss' March 20, 2017 e-mail to the undersigned together with my response of March 23, 2017.

9. On April 12, 2017 Defendants took the deposition in Ft. Lauderdale, Florida of non-party witness Gustavo Perez of Cherry Bekaert LLP. Tauriga is seeking reimbursement from Defendants of the fees it paid Cherry Bekaert, claiming the detailed valuation services involving various convertible promissory notes issued by Tauriga that Cherry Bekaert rendered at Defendants' purported insistence could not be utilized because of the PCAOB's determination of Defendants' lack of independence. Mr. Perez's deposition was transcribed, but not videotaped.

Dated: White Plains, New York  
April 14, 2017

By: /s/Ronald S. Herzog  
Ronald S. Herzog

# **Exhibit "1"**

TAURIGA SCIENCES, INC. AND SUBSIDIARY  
CONSOLIDATED BALANCE SHEETS  
(IN US\$)

	March 31,	
	2016	2015
<b>ASSETS</b>		
Current assets:		
Cash	\$ -	\$ 209,098
Investment - available for sale security	750	4,063
Prepaid expenses and other current assets	2,500	29,207
Assets from discontinued operations	-	90,987
Total current assets	<u>3,250</u>	<u>333,355</u>
Property and equipment, net	6,914	25,286
Total assets	<u>\$ 10,164</u>	<u>\$ 358,641</u>
<b>LIABILITIES AND STOCKHOLDERS' DEFICIT</b>		
Current liabilities:		
Bank overdraft	\$ 1,272	\$ -
Notes payable to individuals and companies	253,775	48,775
Notes payable to individuals and companies - related party	18,000	-
Accounts payable	307,384	272,063
Accrued interest	86,812	14,431
Accrued expenses	208,533	271,216
Accrued professional fees	453,237	486,372
Liability for common stock to be issued	305,500	495,856
Derivative liability	670,577	90,000
Total current liabilities	<u>2,305,090</u>	<u>1,678,713</u>
Commitments and contingencies	-	-
Stockholders' deficit:		
Common stock, par value \$0.00001; 2,500,000,000 and 1,000,000,000 shares authorized, 1,219,820,933 and 899,007,530 issued and outstanding at March 31, 2016 and 2015, respectively	12,199	8,990
Additional paid-in capital	49,745,876	48,150,896
Accumulated deficit	(51,812,793)	(49,243,640)
Accumulated other comprehensive loss	(240,208)	(236,318)
Total stockholders' deficit	<u>(2,294,926)</u>	<u>(1,320,072)</u>
Total liabilities and stockholders' deficit	<u>\$ 10,164</u>	<u>\$ 358,641</u>

*The accompanying notes are an integral part of the consolidated financial statements.*

# **Exhibit "2"**

**PART I. FINANCIAL STATEMENTS****ITEM 1. CONDENSED CONSOLIDATED FINANCIAL STATEMENTS**

**TAURIGA SCIENCES, INC. AND SUBSIDIARY**  
**CONDENSED CONSOLIDATED BALANCE SHEETS**  
**(IN US\$)**

	<u>December 31, 2016</u>	<u>March 31, 2016</u>
	(Unaudited)	
<b>ASSETS</b>		
Current assets:		
Cash	\$ 344	\$ -
Investment - available for sale security	563	750
Prepaid expenses and other current assets	29,690	2,500
Total current assets	<u>30,597</u>	<u>3,250</u>
Property and equipment, net	1,066	6,914
Total assets	<u>\$ 31,663</u>	<u>\$ 10,164</u>
<b>LIABILITIES AND STOCKHOLDERS' DEFICIT</b>		
Current liabilities:		
Notes payable to individuals and companies	\$ 219,725	\$ 253,775
Notes payable to individuals and companies - related party	-	18,000
Bank overdraft	-	1,272
Accounts payable	257,120	307,384
Accrued interest	118,921	86,812
Accrued expenses	797,490	661,770
Liability for common stock to be issued	409,900	305,500
Derivative liability	804,410	670,577
Total current liabilities	<u>2,607,566</u>	<u>2,305,090</u>
Other liabilities:		
Contingent liability	<u>75,000</u>	<u>-</u>
Total other liabilities	<u>75,000</u>	<u>2,305,090</u>
Stockholders' deficit:		
Common stock, par value \$0.00001; 2,500,000,000 shares authorized, 1,559,280,548 and 1,219,820,933 issued and outstanding at December 31, 2016 and March 31, 2016, respectively	15,593	12,199
Additional paid-in capital	51,493,267	49,745,876
Accumulated deficit	(53,919,367)	(51,812,793)
Accumulated other comprehensive loss	(240,396)	(240,208)
Total stockholders' deficit	<u>(2,650,903)</u>	<u>(2,294,926)</u>
Total liabilities and stockholders' deficit	<u>\$ 31,663</u>	<u>\$ 10,164</u>

*The accompanying notes are an integral part of the condensed consolidated financial statements.*

# **Exhibit "3"**



TAURIGA SCIENCES, INC. AND SUBSIDIARY  
CONSOLIDATED STATEMENTS OF OPERATIONS AND COMPREHENSIVE LOSS  
(IN US\$)

	For the Years Ended March 31,	
	2015	2014 (Restated*)
Revenues	\$ 96,161	\$ -
Cost of goods sold	41,802	-
Gross profit	54,359	-
Operating expenses		
General and administrative	3,882,347	6,142,174
Impairment of notes receivable	175,100	-
Impairment of license agreements	100,000	1,355,988
Impairment of patents	-	1,791,460
Depreciation and amortization expense	11,286	111,304
Total operating expenses	4,168,733	9,400,926
Loss from operations	(4,114,374)	(9,400,926)
Other income (expense)		
Interest expense	(186,693)	(572,571)
Financing expense	(1,131,514)	-
Change in derivative liability	343,625	(1,409,877)
Terminated acquisition costs	-	(395,823)
Amortization of debt discount	-	(68,575)
Loss on conversion of debt	-	(321,000)
Total other income (expense) - net	(974,582)	(2,767,846)
Net loss	(5,088,956)	(12,168,772)
Other comprehensive income (loss)		
Change in unrealized loss on available for sale security	(58,437)	(187,500)
Foreign currency translation adjustment	3,498	6,121
Total other comprehensive income (loss)	(54,939)	(181,379)
Comprehensive loss	\$ (5,143,895)	\$ (12,350,151)
Net loss per share - Basic and diluted	\$ (0.01)	\$ (0.03)
Weighted average common shares outstanding - Basic and diluted	786,403,218	349,147,736

\* See Note 14

*See accompanying notes to consolidated financial statements.*

TAURIGA SCIENCES, INC. AND SUBSIDIARY  
CONDENSED CONSOLIDATED STATEMENTS OF OPERATIONS AND COMPREHENSIVE LOSS  
(IN US\$)  
(Unaudited)

	For the Three Months ended December 31,		For the Nine Months Ended December 31,	
	2016	2015	2016	2015
Continuing Operations:				
Revenues	\$ -	-	\$ -	\$ -
Cost of goods sold	-	-	-	-
Gross profit	-	-	-	-
Operating expenses				
Research and development	106,485	-	106,485	-
General and administrative	310,008	214,753	1,388,083	988,108
Depreciation and amortization expense	15	2,272	6,929	7,741
Total operating expenses	<u>416,508</u>	<u>217,025</u>	<u>1,501,497</u>	<u>995,849</u>
Loss from operations	(416,508)	(217,025)	(1,501,497)	(995,849)
Other income (expense)				
Interest expense	(486,315)	(24,973)	(587,768)	(48,180)
Financing expense	-	-	-	(324,000)
Derivative expense	(820)	-	(9,691)	(153,384)
Gain on settlement	-	-	-	265,856
Gain on settlement of debt	94,516	-	94,516	125,000
Gain on warrant conversion	-	-	-	56,372
Change in derivative liability	<u>151,053</u>	<u>1,055,152</u>	<u>(102,134)</u>	<u>(150,244)</u>
Total other income (expense)	<u>(241,566)</u>	<u>1,030,179</u>	<u>(605,077)</u>	<u>(228,580)</u>
Net loss from continuing operations	(658,074)	813,154	(2,106,574)	(1,224,429)
Discontinued Operations:				
Gain from discontinued operations	-	-	-	8,997
Loss from disposal of discontinued operation	<u>-</u>	<u>-</u>	<u>-</u>	<u>(104,957)</u>
Total discontinued operations	-	-	-	(95,960)
Net loss	(658,074)	813,154	(2,106,574)	(1,320,389)
Other comprehensive income (loss)				
Change in unrealized gain (loss) on available for sale security	125	(562)	(188)	(3,625)
Foreign currency translation adjustment	<u>-</u>	<u>(4)</u>	<u>-</u>	<u>(575)</u>
Total other comprehensive loss	125	(566)	(188)	(4,200)
Comprehensive income (loss)	<u>\$ (657,949)</u>	<u>812,588</u>	<u>\$ (2,106,762)</u>	<u>\$ (1,324,589)</u>
Loss per share - basic and diluted	<u>\$ (0.00)</u>	<u>\$ 0.00</u>	<u>\$ (0.00)</u>	<u>\$ (0.00)</u>

# **Exhibit "4"**

TAURIGA SCIENCES, INC. AND SUBSIDIARY  
CONSOLIDATED STATEMENTS OF OPERATIONS AND COMPREHENSIVE LOSS  
(IN US\$)

	For the Years Ended March 31,	
	2016	2015
Continuing Operations:		
Revenues	\$ -	\$ -
Cost of goods sold	-	-
Gross profit	-	-
Operating expenses		
General and administrative	2,027,633	3,704,345
Impairment of note receivable	-	175,100
Impairment of license agreement	-	100,000
Depreciation and amortization expense	9,832	9,529
Total operating expenses	2,037,465	3,988,974
Loss from operations	(2,037,465)	(3,988,974)
Other income (expense)		
Interest expense	(83,456)	(186,693)
Financing expense	(324,000)	(1,131,514)
Derivative expense	(197,800)	-
Gain on settlement	265,856	-
Gain on sale of investment	125,000	-
Gain on warrant conversion	56,372	-
Change in derivative liability	(277,700)	343,625
Total other income (expense) - net	(435,728)	(974,582)
Net income from continuing operations	(2,473,193)	(4,963,556)
Discontinued Operations:		
Gain (loss) from discontinued operations	8,997	(125,400)
Loss from disposal of discontinued operation	(104,957)	-
Total discontinued operations	(95,960)	(125,400)
Net loss	(2,569,153)	(5,088,956)
Other comprehensive income (loss)		
Change in unrealized loss on available for sale security	(3,313)	(58,437)
Foreign currency translation adjustment	(577)	3,498
Total other comprehensive loss	(3,890)	(54,939)
Comprehensive loss	\$ (2,573,043)	\$ (5,143,895)
Loss per share - basic and diluted	\$ (0.00)	\$ (0.01)
Weighted average number of shares outstanding - basic and diluted	965,079,748	786,403,218

*The accompanying notes are an integral part of the consolidated financial statements.*

TAURIGA SCIENCES, INC. AND SUBSIDIARY  
CONSOLIDATED BALANCE SHEETS  
(IN US\$)

	March 31,	
	2016	2015
<b>ASSETS</b>		
Current assets:		
Cash	\$ -	\$ 209,098
Investment - available for sale security	750	4,063
Prepaid expenses and other current assets	2,500	29,207
Assets from discontinued operations	-	90,987
Total current assets	<u>3,250</u>	<u>333,355</u>
Property and equipment, net	6,914	25,286
Total assets	<u>\$ 10,164</u>	<u>\$ 358,641</u>
<b>LIABILITIES AND STOCKHOLDERS' DEFICIT</b>		
Current liabilities:		
Bank overdraft	\$ 1,272	\$ -
Notes payable to individuals and companies	253,775	48,775
Notes payable to individuals and companies - related party	18,000	-
Accounts payable	307,384	272,063
Accrued interest	86,812	14,431
Accrued expenses	208,533	271,216
Accrued professional fees	453,237	486,372
Liability for common stock to be issued	305,500	495,856
Derivative liability	670,577	90,000
Total current liabilities	<u>2,305,090</u>	<u>1,678,713</u>
Commitments and contingencies	-	-
Stockholders' deficit:		
Common stock, par value \$0.00001; 2,500,000,000 and 1,000,000,000 shares authorized, 1,219,820,933 and 899,007,530 issued and outstanding at March 31, 2016 and 2015, respectively	12,199	8,990
Additional paid-in capital	49,745,876	48,150,896
Accumulated deficit	(51,812,793)	(49,243,640)
Accumulated other comprehensive loss	(240,208)	(236,318)
Total stockholders' deficit	<u>(2,294,926)</u>	<u>(1,320,072)</u>
Total liabilities and stockholders' deficit	<u>\$ 10,164</u>	<u>\$ 358,641</u>

*The accompanying notes are an integral part of the consolidated financial statements.*

# **Exhibit "5"**

TAURIGA SCIENCES, INC. AND SUBSIDIARY  
NOTES TO CONDENSED CONSOLIDATED FINANCIAL STATEMENTS

**NOTE 1 – BASIS OF OPERATIONS (CONTINUED)**

On December 22, 2016, the Company, entered in a membership interest transfer agreement with Open Therapeutics, LLC, an Ohio limited liability company (“Open Therapeutics” formerly Bacterial Robotics LLC and Microbial Robotics, LLC), whereby the Company sold 80% of its membership interest in Pilus which included the patents. Open Therapeutics agreed to terminate and cancel 80% of the unexercised portion of the warrant to purchase 28,917,647 shares (or 23,134,118 warrants) of the Company’s common stock (issued on January 28, 2014). Open Therapeutics will pay 20% of the net profit generated, to the Company from the previous year’s earnings after the initial \$75,000 of profit (reflected as a contingent liability on the consolidated balance sheet). The Company further agreed it would vote its 20% membership interest in Pilus Energy in the same manner that Open Therapeutics votes its membership interest on all matters for which a member vote is required.

On November 15, 2016, the Company announced that it will form a new wholly owned subsidiary focused on the development, marketing and distribution of products that target muscle tension. The subsidiary will be called ColluMauxil Therapeutics LLC (“ColluMauxil”), which is based on the Latin terms for neck relief - “collum” and “auxilium.” The Company has filed for trademarks in association with the business with the United States Patent and Trademark Office. The Company plans to develop, market, distribute and potentially license a broad array of products and technologies that may help individuals who are affected by muscle tension. The Company has already identified potential products and technologies of interest and is actively working towards the goal of creating an innovative product line to launch the business activities of ColluMauxil. The Company believes that one of its most important strengths is its access to and relationships with potentially substantial distribution systems and networks. The Company intends to capitalize on distribution opportunities and will continually update shareholders on such developments. The Company intends on developing a product that specifically targets muscle tension in the neck, shoulder, and upper back. The Company envisions that this product will incorporate a roll-on delivery system (“Roll-On Product”) which is easier to apply to a specific area on the body. The Company also plans to develop a Roll-On Product that incorporates CBD Oil (“Cannabis Oil”), which is a legal alternative to THC oil, and it is available for sale in all states as well as around the world. Cannabis Oil is widely believed to provide relief to individuals who suffer from muscle tension, tenderness, and pain. Both contemplated Roll-On Products will be branded under the ColluMauxil.

Products will be developed for and distributed to the retail market but there can be no guaranty that any revenue will ever be generated. The Company believes it can raise the necessary funds to develop and begin distribution of its first muscles tension product for approximately \$200,000, which it hopes to obtain through equity financing. The Company believes none of the contemplated products to be developed under the ColluMauxil brand will require approval from the Food and Drug Administration.

On December 23, 2016, the Company, entered into a non-exclusive, 12 month, license agreement (the “License Agreement”) with Cleveland, Ohio based cosmetics products firm Ice + Jam LLC (“Ice + Jam”). Under terms of the License Agreement, the Company will market Ice + Jam’s proprietary Cupuacu Butter lip balm, sold under the trademark HERMAN and the two companies will evenly share (“50% / 50%”) any profits through the Company’s marketing, sales, and distribution efforts. The Company will pay the production costs for all product it sells to retail customers or distributors. The Company paid a one-time upfront non-refundable license fee of \$9,810 in cash and agreed to an additional payment of common shares of Company stock. The Company agreed to issue 5,000,000 common shares which had a value of \$27,500, based on the closing price of the stock on the day the Company entered into the agreement (\$0.005 per share). The cost of the shares will be prorated over the life of the license. The Company further paid \$2,190 as a prepaid deposit on future inventory for the purchase of 1,500 units at unit cost of \$1.46. As of December 31, 2016, none of the units have been completed therefore the Company has recorded the payment as a prepaid asset. The agreement may be extended for an additional 12 months based on mutual agreement. The two companies reserve the right to request amendment of the License Agreement at any point during the effective duration.

Certain additional risk factors relating to the new business line are further described in Part II, Item 1A “Risk Factors” below in this Quarterly Report on Form 10-Q.

**Going Concern**

As indicated in the accompanying condensed consolidated financial statements, the Company has incurred net losses of \$2,106,574 and \$1,320,389 for the nine months ended December 31, 2016 and 2015, respectively. Management's plans include the raising of capital through equity markets to fund future operations and cultivating new license agreements or acquiring ownership in technology companies. Failure to raise adequate capital and generate adequate sales revenues could result in the Company having to curtail or cease operations. Additionally, even if the Company does raise sufficient capital to support its operating expenses, acquire new license agreements or ownership interests in life science companies and generate adequate revenues, or the agreements entered into recently are unsuccessful, there can be no assurances that the revenues will be sufficient to enable it to develop business to a level where it will generate profits and cash flows from operations. These matters raise substantial doubt about the Company's ability to continue as a going concern. However, the accompanying condensed consolidated financial statements have been prepared on a going concern basis, which contemplates the realization of assets and satisfaction of liabilities in the normal course of business. These condensed consolidated financial statements do not include any adjustments relating to the recovery of the recorded assets or the classification of the liabilities that might be necessary should the Company be unable to continue as a going concern.



# **Exhibit "6"**

TAURIGA SCIENCES, INC. AND SUBSIDIARY  
NOTES TO CONDENSED CONSOLIDATED FINANCIAL STATEMENTS

**NOTE 11 – PROVISION FOR INCOME TAXES (CONTINUED)**

	2016	2015
Federal statutory rate	(34.0)%	(34.0)%
State income taxes, net of federal benefits	(3.3)	(3.3)
Foreign tax	(0.3)	(0.3)
Valuation allowance	37.6	37.6
	<u>0%</u>	<u>0%</u>

**NOTE 12 – INVESTMENTS - AVAILABLE FOR SALE SECURITIES**

The Company's investments in Green Innovations, Ltd and Breathe Ecig Corp. are included within Current Assets as they are expected to be realized in cash within one year. The investments are recorded at fair value with unrealized gains and losses, net of applicable taxes, in Other Comprehensive Income. The Company's investment in Green Innovations, Ltd has a cost of \$250,000, unrealized loss of \$249,437 and a fair value of \$563 at December 31, 2016. At March 31, 2016, the unrealized loss was \$249,250 and the fair value was \$750, respectively. The investment in Breathe Ecig Corp has been written off as of December 31, 2015 as there is no value in that company.

**NOTE 13 – CURRENT LITIGATION**

**Lawsuit Filed Against Cowan Guteski & Co. PA**

On November 4, 2015, the Company filed a lawsuit against its predecessor audit firm Cowan Guteski & Co. PA in Federal Court — Southern District Florida (Miami, Florida) entitled "Tauriga Sciences, Inc. v. Cowan, Guteski & Co., P.A. et al", Case No. 0:15-cv-62334. The case has since been transferred to the United States District Court for the District of New Jersey. The case alleges, among other things, that Cowan Guteski committed malpractice with respect to the audit of the Company's FY 2014 financial statements (as illustrated in the PCAOB Public Censure of July 23, 2015) and then misrepresented to the Company with respect about its ability to re-issue an independent opinion for FY 2014 financial statements. On July 31, 2015, the Company was delisted from the OTCQB Exchange to the OTC Pink Limited Information Tier due to its inability to file its FY 2015 Form 10K. The lawsuit was expected by the Company and its counsel to take up to 18 months to complete, from the date it was filed (November 4, 2015).

The Company in its lawsuit is seeking damages against Cowan Guteski (and its malpractice insurance policy) expected to exceed \$4,000,000. There is no guarantee that the Company will be successful in this lawsuit.

Subsequent to the filing of the lawsuit, the Company was notified that the lawsuit was temporarily suspended so that the Company and Cowan can attempt to mediate this case based on the engagement letters between the parties. On December 30, 2015, the Company was notified that Daniel F. Kolb was appointed as the mediator.

Mediation commenced on February 3, 2016. During these efforts, the Company had been offered settlement amounts, but none that have been satisfactory.

On March 22, 2016, the Company decided that its good faith efforts to settle its ongoing litigation with Cowan Guteski & Co. P.A. have proven unsuccessful. Therefore, the Board of Directors of the Company unanimously agreed to proceed forward with the litigation. The Company is continuing to seek the assistance of independent experts, to help ascribe dollar amounts for certain damages suffered by the Company ("provable damages"). At this point in time, the Company has realized out of pocket cash losses and liabilities (inclusive of liquidated damages) that exceed \$850,000. Additional potential damages include but are not limited to: inability to properly maintain Pilus Energy's Intellectual Property ("Pilus IP"), the July 31, 2015 delisting of the Company shares from OTCQB to Pink Sheets, loss of market capitalization ("market cap"), loss of trading liquidity ("trading volume"), and loss of substantial business opportunities. In aggregate the Company intends to seek monetary award(s), during trial, in excess of \$4,000,000. That figure is expected to continually increase as additional time lapses.

On September 29, 2016, the judge presiding over the case approved the ruled on the two outstanding motions filed on June 13, 2016. The motion to transfer the case to United States District Court for the District of New Jersey was approved, however the judge denied the defendants' motion to dismiss the lawsuit. Depositions have commenced in this case.

On January 19, 2017, the Company, along with Cowan Guteski, participated in a pretrial status conference before a magistrate. During this meeting a pretrial scheduling order ruled: Rule 26 Meeting Report will be due by February 3, 2017; motions to amend/join new parties will be due by March 15, 2017; a telephone status conference be set for April 20, 2017; fact discovery will be due by April 28, 2017; an additional telephone status conference is set for June 6, 2017. The Company continues to compile expert reports to support its damages being sought and expects that it will seek damages at trial exceeding \$4,000,000. The Company expects trial shall take place during the second or third calendar quarter of 2017.

---

F-25

# **Exhibit "7"**

**Ronald Herzog**

---

**From:** Kraig Weiss - www.pkslegal.com [kweiss@pkslegal.com]  
**Sent:** Monday, March 20, 2017 4:03 PM  
**To:** Ronald Herzog  
**Subject:** Depositions

Ronald:

We want to take another 30b)6 deposition on topics not discussed at the last deposition, as well as the deposition of Mr. Cowan, and a couple individual depositions. I believe that we can do all of these in 2 days. I understand that you have the depositions of KBL set for march 31, which is not convenient for us, as they were unilaterally set. What I propose is that we pick a 3 day block. You can take KBL first, and our depositions on the 2nd and 3rd days. Please advise.

Also, we filed a Notice of Jury trial after the matter was transferred. I assume we are agreement hat this matter is proceeding as a jury trial. As such, at the next conference call (which is set for April 17, I believe) I am going to ask the court to put us on the next trial docket.

Let me know your thoughts on the depositions and I will have my office reach out to yours to find a 3 day block.

Sent from my iPhone  
Please ignore the spelling errors

**Ronald Herzog**

---

**From:** Ronald Herzog [rherzog@steincavlaw.com]  
**Sent:** Thursday, March 23, 2017 2:19 PM  
**To:** 'Kraig Weiss - www.pkslegal.com'  
**Cc:** 'Paul Silverberg - www.pkslegal.com'  
**Subject:** RE: Depositions in Tauriga/Plaintiffs Discovery Responses

Kraig: I do not agree with your assertion that it is "customary and proper" to arrange in advance the dates of non-party depositions. Rather I believe that involves an unnecessary and generally wasted effort to the extent it is predicated on the assumption that dates that work for counsel will automatically work for non-parties. In my experience the appropriate and more efficient procedure is to notice the depositions and then, as generally is the case, work around the availability of the witness and its counsel.

This is what has happened here. Counsel for KBL needed an extension through 3/30 to produce the documents called for by the subpoena and is supposed to contact me with proposed deposition dates but he has yet to do so. Adam Wasserman of Group 10 has now contacted me to advise me that he will be in New York during April and that he will work with us to schedule his deposition. Counsel for Union Capital has contacted me and we have discussed certain initial objections to the subpoena. Once these are resolved we can then discuss the deposition date. The only witness who has confirmed their deposition date is Cherry Bekaert, which I attempted to coordinate with the Wasserman deposition. Now that Mr. Wasserman will be deposed in New York the need for coordination no longer exists. If no one from your office is available on April 12th let me know if the 13th, the date Gropu 10 was noticed for works and I will try to coordinate that date with Cherry Bekaert.

You have indicated you want to take another 30(b) deposition of Tauriga without specifying the topic. Until that is received we cannot determine the appropriateness of your request. Once this information is know we can coordinate any further 30(b) examination plaintiff may be entitled to with Mr. Cowan's deposition. You have also stated that you want to take a couple "individual depositions" without providing any specification. If you let me know who you want to depose we can address this request.

We need dates for the deposition of Mr. Shaw, Ms. Lahlou and Tauriga's 30(b) witness. However, we are not in a position to take those until the plaintiff has made the appropriate document production. I am still waiting to hear from you about the issues we discussed last Friday, and earlier this week I sent you a detailed letter listing numerous clear deficiencies in and omissions from plaintiff's production. I am available tomorrow morning to discuss the issues raised in your email and also plaintiff's discovery deficiencies, because if we cannot resolve these promptly we will need the court's involvement.

Finally the plaintiff's jury demand was not served within the time period provided for under Rule 38. The plaintiff cannot unilaterally attempt to cure this by serving an out of time jury demand, so it is defendants' position that this matter is non-jury.

Let me know what time tomorrow morning works best for you.

Ronald S. Herzog

Steinberg & Cavaliere, LLP  
50 Main Street  
White Plains, New York 10606  
Direct Dial: 914 761-9445  
Mobile: 914 806-7843  
[rherzog@steincavlaw.com](mailto:rherzog@steincavlaw.com)

\* This e-mail may contain confidential or privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail with a copy to [jrizzo@steincavlaw.com](mailto:jrizzo@steincavlaw.com) and delete this e-mail and all copies and attachments.

IRS Circular 230 Notice: Unless specifically stated otherwise, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

-----Original Message-----

From: Kraig Weiss - [www.pkslegal.com](http://www.pkslegal.com) [<mailto:kweiss@pkslegal.com>]  
Sent: Wednesday, March 22, 2017 4:36 PM  
To: Ronald Herzog  
Cc: Paul Silverberg - [www.pkslegal.com](http://www.pkslegal.com)  
Subject: Depositions in Tauriga

Ronald:

I am in receipt of various subpoenas for deposition. None of these have been cleared through my office to determine our availability to attend, as is customary and proper. This, after I wrote you last week to advise you to coordinate deposition dates with my office (as the KBL deposition had been unilaterally set) and to let you know we wanted disposition dates as well, which you have not responded to.

Please advise as to whether you have time on Friday to meet and confer on this, in order to avoid me having to file a Motion for Protective Order on your unilateral setting of these depositions.

Kraig

Sent from my iPad. Please pardon any spelling errors.